

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

STEVEN KINFORD,  
Plaintiff,

v.

SHANNON MOYAL,  
Defendants.

Case No. 2:18-cv-01890-RFB-EJY

**ORDER**

Before the Court is Plaintiff's Motion to Terminate Mediation Conference (ECF No. 24). On April 17, 2020, Defendant filed an Opposition to Plaintiff's Motion. ECF No. 34. Also before the Court is Plaintiff's Motion for Clarification in which Plaintiff seeks the opportunity to file a reply to Defendant's Opposition. ECF No. 36. For the reasons set forth below, Plaintiff's Motions are denied.

In his Motion, ECF No. 24, Plaintiff asks the Court to "terminate the upcoming mediation conference" because mediation is likely to be futile. Plaintiff also asks to the Court to order the commencement of discovery.

On March 19, 2020, the Court vacated the mediation conference due to circumstances created by COVID-19. ECF No. 22. To date, a mediation date has not been reset as those circumstances have not abated. Moreover, Plaintiff is correct that until the mediation conference takes place, discovery in this case will not proceed.

Nonetheless, and as Defendant avers, the Inmate Early Mediation Conference is part of a valuable program that allows the resolution of claims without protracted litigation. The mediation program is also one in which the Court strongly believes. Plaintiff's claims, as expressed in ECF No. 24, are ones that are reasonably susceptible to resolution through mediation. Likewise, Defendant seeks an opportunity to resolve this case through mediation and believes such resolution is possible. ECF No. 34. Therefore, at this time, the Court denies Plaintiff's request to exempt this case from the mediation.

1 Accordingly,

2 IT IS HEREBY ORDERED that Plaintiff's Motion to Terminate Mediation Conference  
3 (ECF No. 24) is DENIED without prejudice. Plaintiff's request to commence discovery is also  
4 denied.

5 IT IS FURTHER ORDERED that if a mediation date is not reset within the next 90 days,  
6 Plaintiff may renew his motion.

7 IT IS FURTHER ORDERED that Plaintiff's Motion for Clarification (ECF No. 36) is  
8 DENIED as moot.

9 DATED this 23rd day of April 2020.

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11 ELAYNA J. YOUCHAK  
12 UNITED STATES MAGISTRATE JUDGE  
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